

NEBRASKA ADVANCE SHEETS
RULE AMENDMENTS

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On August 27, 2008, the Nebraska Supreme Court adopted the following amendments to Neb. Ct. R. App. P. §§ 2-102(B)(1), 2-106(D), 2-107(B)(7) and (D)(2)(e), and 2-109(A)(2):

§ 2-102. Court of Appeals.

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(B) Petition to Bypass. Any party to a case appealed to the Court of Appeals may file with the Supreme Court a petition to transfer the appeal to the Supreme Court and to bypass review by the Court of Appeals. The petition to bypass shall be filed simultaneously with the initial brief of the party. Such petition shall set forth the basis for the petition, including one or more of the factors set out in Neb. Rev. Stat. § 24-1106(2).

(1) Filing and Service of Petition to Bypass. An original and seven copies of the petition to bypass and brief in support thereof, together not to exceed five pages in length, with proof of service, shall be filed with the Supreme Court Clerk. A copy of the petition to bypass and brief shall be served on the opposing party or attorney of record. Service and proof of service shall be in accordance with ~~Neb. Rev. Stat. § 25-534. Neb. Ct. R. Pldg. §§ 6-1105(b) and 6-1106(e).~~

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§ 2-106. Motions generally.

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(D) Filing and Service of Motions. An original and one copy of the motion and proof of service shall be filed with the Supreme Court Clerk and a copy shall be served upon the opposing party or the attorney of record. Service and proof of service may be made as provided in ~~Neb. Rev. Stat. § 25-534. Neb. Ct. R. Pldg. §§ 6-1105(b) and 6-1106(e).~~

§ 2-107. Summary Dispositions.

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(B) Motions for Summary Dismissal or Affirmance.

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(7) The motion and proof of service shall be filed with the Supreme Court Clerk and a copy shall be served upon all other parties or the attorneys of record. Service and proof of service may be made as provided in ~~Neb. Rev. Stat. § 25-534~~; Neb. Ct. R. Pldg. §§ 6-1105(b) and 6-1106(e). An original and three copies of any motion, objections, or supporting briefs shall be filed.

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(D) Suggestion of Mootness in Prison Disciplinary and Postconviction Relief Appeals.

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(2) Form.

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(e) The motion and proof of service shall be filed with the Supreme Court Clerk and a copy shall be served upon all other parties or the attorneys of record. Service and proof of service may be made as provided in ~~Neb. Rev. Stat. § 25-534~~; Neb. Ct. R. Pldg. §§ 6-1105(b) and 6-1106(e). An original and seven copies of any motion, objections, or supporting briefs shall be filed.

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§ 2-109. Briefs.

(A) Time for Filing. The briefs listed below must be filed within the times stated in these rules. Briefs in support of motions are described in §§ 2-106, 2-107, and 2-113. Requests for additional time to file briefs must be made in accordance with the provisions of § 2-106. NO EXTENSIONS OF TIME WILL BE ALLOWED IN ADVANCED CASES EXCEPT UPON A SHOWING OF EXCEPTIONAL CAUSE.

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(2) Appellee's brief must be served and filed within 1 month after appellant has served and filed briefs. If service of appellant's brief is by mail, 3 days are added to allow for delivery time. (See ~~Neb. Rev. Stat. § 25-534~~ Neb. Ct. R. Pldg. § 6-1106(e).)

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